

## **REMARKS**

Claim 1 has been amended to include the features of claim 1 and claim 2 has been canceled. Claim 3 has been amended to depend from amended claim 1. No other claim has been amended and no new matter has been added. Upon entry of the above amendments, claims 1 and 3-12 will remain in the application.

### **Rejections under 35 U.S.C. §103(a)**

Claims 1-5, 7-9, and 11-12 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kondo et al. (US 5,724,322) in view of Yamagami et al. (US 5,949,746). In addition, claims 6 and 10 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kondo et al. in view of Yamagami et al. and Yasuda et al. (US 6,501,901). These rejections are respectfully traversed and withdrawal of the rejections is solicited.

Amended claim 1 relates to an apparatus for playback of a data storage disk of the type having a series of data streams and a table of contents (TOC) prerecorded in preassigned tracks thereon where the TOC on the disk lists the starting addresses of the data streams but does not list the ending addresses of the data streams. The claimed playback apparatus is characterized by:

data processing means connected to said storage means and said transducer for creating an expanded TOC by adding an ending address of each data stream to the original TOC which has been stored on said storage means and for controlling the scanning motion of the transducer with respect to the disk according to the expanded TOC, the expanded TOC being editable for causing said data processing means to play either whole or some desired part of any desired one of the data streams, wherein said data processing means comprises input means for inputting instructions for editing the TOC that has been stored on said storage means, ending address addition means for adding to the original TOC that has been stored on said storage means, as the ending address of each data stream, the starting address of the next data stream, editing means for editing the expanded TOC on said storage means in response to the instructions that have been input on said input means, and control means for causing the data storage disk to be played according to the edited TOC on said storage means.

Such a playback apparatus is not shown or suggested by Kondo et al., Yamagami et al., or Yasuda et al., taken alone or collectively.

As clearly set forth in amended claim 1, the TOC on the data storage disk does not contain the ending addresses of the data streams. Instead, the “ending address addition means” adds to the original TOC stored on the storage means, as the ending address of each data stream, the starting address of the next data stream. Such is not the case with the cited references.

Kondo et al. discloses an apparatus for recording and/or reproducing a recording medium in which management information is recorded together with the data. The management information is stored in a table of contents (U-TOC). As illustrated in Figure 10 and described at column 13, lines 2-12, of Kondo et al., each U-TOC sector includes both the start address and the end address of each stored tune. As noted in paragraph [0005] of the present specification, the presence of the ending addresses of the tunes makes editing of the TOC not possible in the case of prior art CDs. The TOC of the claimed data storage disk addresses this limitation in the art by providing playback apparatus that allows the ending addresses of the data streams to be removed from the TOC, thereby facilitating editing of the TOC.

In the Official Action, the examiner alleges with respect to claim 2 at page 3, lines 13-21, that Kondo et al. discloses the data processing features of claim 2, now incorporated into claim 1. Applicant respectfully disagrees. For example, Kondo et al. do not disclose “ending address addition means for adding to the original TOC that has been stored on said storage means, as the ending address of each data stream, the starting address of the next data stream.” Contrary to the examiner’s suggestions, Kondo et al. disclose in Figure 12B that the ending address of music track M3 is A32, and the starting address of music track M4 is A33 (see Kondo et al. at column 17, lines 35-41, and column 17, line 65, to column 18, line 2). As shown in Figure 10 of Kondo et al., the TOC includes the ending address of each data stream, which differs from the starting address of the next data stream. Those skilled in the art will appreciate that, in the TOC of the music disk taught by Kondo et al., the ending address of a sector may become discontinuous with the starting address of the next sector. Such is not the case with the claimed invention since the starting address of the next data stream is used as the ending address of the current data stream.

Yamagami et al. and Yasuda et al. also do not disclose “ending address addition means for adding to the original TOC that has been stored on said storage means, as the

**DOCKET NO.:** TAK-0396  
**Application No.:** 10/807,150  
**Office Action Dated:** August 7, 2007

**PATENT**

ending address of each data stream, the starting address of the next data stream” as now claimed. Thus, even if one skilled in the art would have combined the teachings of Yamagami et al. and Yasuda et al. with the teachings of Kondo et al. as the examiner proposes, the claimed playback device would not have resulted. Accordingly, withdrawal of the rejections of claims 1 and 3-12 as being obvious over Kondo et al., Yamagami et al., and Yasuda et al. is appropriate and is solicited.

**Conclusion**

For at least the reasons set forth in detail above, claims 1 and 3-12 are in condition for allowance. A Notice of Allowability is respectfully solicited.

Date: November 7, 2007

**/Michael P. Dunnam/**  
Michael P. Dunnam  
Registration No. 32,611

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439